

**THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MICHAEL AND SHELLIE GILMOR,
et al.,

Plaintiffs,

vs.

PREFERRED CREDIT CORPORATION,
et al.,

Defendants.

Case No. 4:10-cv-00189-ODS

**JOINT MOTION FOR STAY OF CLAIMS AS AGAINST DEFENDANT
DEUTSCHE BANK NATIONAL TRUST COMPANY
AND SEVEN DEFENDANT TRUSTS**

Plaintiffs and Defendant Deutsche Bank National Trust Company (in any and all capacities in which it has been sued) (“DBNTC”), jointly move the Court to stay all motions and proceedings in connection with Plaintiffs’ claims against DBNTC and seven defendant trusts identified herein as “the Trusts.”¹

In support of this motion, Plaintiffs and DBNTC state as follows:

1. The above captioned case is a class action lawsuit involving claims by Missouri homeowners for violations of Missouri’s Second Mortgage Loans Act §§ 408.231 RSMo, *et seq.*
2. Plaintiffs and DBNTC have reached an agreement that, if approved, would settle and resolve the claims of those class members who obtained the loans for which Plaintiffs seek to hold DBNTC and the Trusts liable, as against DBNTC and the Trusts only. (The settlement

¹ The phrase “the Trusts” shall refer to the following defendants: Impac Secured Assets CMN Trust Series 1998-1, Impac CMB Trust Series 1999-2, Impac CMB Trust Series 2000-2, Impac CMB Trust Series 2001-4, Impac CMB Trust Series 2002-1, Impac CMB Trust Series 2003-5, and Impac Real Estate Asset Trust Series 2006-SD1.

does not cover or resolve or release in whole or in part Plaintiffs' claims against Defendant Wilmington Trust Company ("WTC") individually or in any representative capacity as Owner Trustee of the Trusts or otherwise, or any other Defendant(s) also alleged to be liable on the particular loans that are the subject of the separate settlement between Plaintiffs and DBNTC.) Plaintiffs and DBNTC need time to memorialize the settlement in writing and to implement the process through which the settlement can be finalized and submitted to the Court for approval.

3. Given the settlement, the continued prosecution of the claims against DBNTC and the Trusts is unnecessary and will detract from the settling parties' ability to implement their settlement. Accordingly, Plaintiffs and DBNTC respectfully request this Court to grant a stay with respect to all motions and other proceedings related to Plaintiffs' claims against DBNTC and the Trusts, including without limitation DBNTC's Motion for Summary Judgment (Doc.'s 671, 672), Plaintiffs' Motion for Partial Summary Judgment, *but solely as to DBNTC and the Trusts* (Doc.'s 703, 704), DBNTC's Motion to Exclude Dr. Krueger (Doc.'s 668, 669), and the Motion for Summary Judgment filed by Impac Real Estate Asset Trust Series 2006-SD1 (Doc.'s 690, 691).

4. No other claims, motions, discovery or other case activity should be stayed against any other Defendant.

5. No party will be prejudiced by the granting of this motion.

WHEREFORE, Plaintiffs and Defendant DBNTC respectfully request that the Court enter an Order staying all motions and proceedings relating to Plaintiffs' claims against DBNTC and the Trusts as stated above.

Date: September 20, 2012

Respectfully submitted,

WALTERS BENDER STROHBEHN
& VAUGHAN, P.C.

By: /s/ Kip D. Richards

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 20th day of September 2012, I electronically filed the above and foregoing document with the Clerk of Court of the Western District of Missouri using the Court's ECF system, which will send notification of said filing to all counsel of record who are ECF participants. In addition, a copy was served by U.S. mail, First-Class Postage Prepaid, to:

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/s/ Kip D. Richards